

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

PHILLIP GARRETT SIMPSON,

Defendant.

Criminal No. 1:13-cr-383-9

Hon. Liam O'Grady

Hearing Date: May 2, 2014

**GOVERNMENT'S RESPONSE TO DEFENDANT SIMPSON'S  
APPLICATION TO INVOKE RULE 17 SUBPOENA POWER**

Defendant Simpson requests this Court to disclose to the defendant information from presentence reports of co-defendants or co-conspirators, or order the government to produce such reports or portions thereof. Dkt. No. 136. This motion appears to be, at the very least, premature because the government is unaware of any presentence reports existing for any co-defendants or co-conspirators. It would also appear that neither does the defendant, since no co-defendants or co-conspirators have been identified in the request. That makes the request also irrelevant.

Moreover, the government has not yet produced a witness list in this matter, and as such, neither co-defendants nor co-conspirators have been identified as government witnesses. If the defendant's motion is referring to the defendants in the case in the Northern District of California (N.D. Cal. No. 5:11-cr-471 filed July 13, 2011, San Jose Division) as such co-conspirators for which he seeks presentence reports, the sentencing in that matter is scheduled for

December 4, 2014, and it is unlikely presentence reports have been prepared at this point. Even if they were to exist, the government does not possess any of these reports.

Because this motion is premature, the government asks the Court to deny the defendant's request without prejudice. If at such time the government discloses convicted co-defendants or convicted co-conspirators as government witnesses, and the defendant makes a motion for presentence reports, a proper government response to that motion can be made.

Respectfully submitted,

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Date: April 18, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2014, I electronically filed the foregoing  
GOVERNMENT'S RESPONSE TO DEFENDANT SIMPSON'S APPLICATION TO  
INVOKE RULE 17 SUBPOENA POWER with the Clerk of Court using the  
CM/ECF system, which will send a notification of that electronic filing (NEF) to:

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